

FOSTER CARE REVIEW BOARD RULES AND REGULATIONS

Title 162 - State Foster Care Review Board Chapter 1-000 Introduction

1-001 Legal Basis:

The Foster Care Review Act, L.B. 714 enacted by Nebraska's Eighty-seventh Legislature, Second Session, 1982, established the Foster Care Review Board, Section 43-1301 through Section 43-1318, Revised Statutes of Nebraska, 1943.

1-002 Purpose Statement:

The Foster Care Review Board was established as an independent agency to periodically review the case plans of children in foster care. The purpose of the review is to assure that appropriate goals have been set for the child, that realistic time limits have been set for the accomplishment of these goals, that efforts are being made by all parties to achieve these goals, that appropriate services are being delivered to the child and/or his or her family, and that long-range planning has been done to move the child to a permanent home where he or she can grow and thrive.

The Foster Care Review Board is mandated to maintain a tracking system of all children in out-of-home placement in the State. The tracking system is to provide information about the number of children entering and leaving care as well as any other data regarding needs and trends in foster care.

1-003 Review of Cases:

The State Board, or a designated local board, shall review the case of each child in foster care at least once every six months.

1-004 Confidentiality:

All records and information regarding foster children, their parents or relatives and their foster care situations in the possession of the State Board or local boards shall be deemed confidential. Unauthorized disclosure of such confidential records and information or any violation of confidentiality shall be a Class III Misdemeanor.

1-005 Definitions:

1-005.01 Act.

Act shall mean the Foster Care Review Act, Sections 43-1301 to 43-1318, R.S. Supp. 1982.

1-005.02 Family Unit.

Family Unit shall mean the social unit consisting of the foster child and the parent or parents or any person in the relationship of a parent with whom the child legally resided prior to his or her placement in foster care.

1-005.03 Foster Child.

Foster child shall mean any child living in out-of-home care away from the biological or adoptive family unit. **1-005.04 Foster Care Facility.** Foster care facility shall mean any foster home, group home, child care facility, child care institution, public agency, private agency, or any other person or entity receiving and caring for foster children.

1005.05 Foster Care Placements.

Foster care placements shall mean all placements of neglected, dependent, delinquent, or children in need of special supervision (status offenders), including those placements made directly by parents or by third parties.

1-005.06 Person or Court in Charge of the Child.

Person or court in charge of the child shall mean:

1. The Department of Social Services, an association, or individual that has been made the guardian of a neglected, dependent, status offender, or delinquent child by the court and has the responsibility of the care of the child, and has the authority by and with assent of the court to place such a child in a suitable family home or institution or has been entrusted with the care of the child by a voluntary placement made by a parent or legal guardian.
2. The Court which has jurisdiction over the child. Chapter 2-000 State Board Organization and Procedure

2-001 Membership:

The Board shall consist of six members appointed by the Governor and approved by the Legislature. Two of the members must come from each of the three congressional districts. In addition to the six member representation of the congressional districts, three members shall be appointed by the Governor from chairpersons of the local boards. Once such chairperson shall be appointed from each congressional district. The appointment of a member of the local board to the State Board shall not create a vacancy on the local board. One member of the State Board shall be an attorney with legal expertise in child welfare.

Members, other than those appointed from the chairpersons of the local boards, shall be appointed to three-year terms. Members appointed from the chairpersons of local boards shall be appointed to two-year terms. No person shall serve on the State Board for more than two consecutive terms. A person employed by a child-caring agency, a child-placing agency, or a court shall not be appointed to the State Board.

2-002 Meeting:

The Board shall meet at least twice a year or more often at the call of the chairperson.

2-002.01 Quorum.

A quorum shall consist of the majority of the members of the Board for the transaction of business.

2-002.02 Sessions.

All meetings of the Board shall be conducted pursuant to Sections 43-1301 through 43-1318, R.R.S. 1943.

2-003 Officers:

At the first meeting after the start of the State fiscal year, the State Board shall select a chairperson, vice-chairperson, and such other officers as it may deem necessary.

2-003.01 Term.

The term of the officers shall be one year and no officer shall serve for more than two consecutive terms in the same office.

2-004 Duties:

2-004-01 Establish Statewide Register.

The State Board shall establish a statewide register of all foster care placements that occur within the State. Every court and child-placement agency shall report any initial out-of-home foster care placement to the registry within three working days.

The initial placement report shall include:

1. name and address of the foster child,
2. birthdate of the child,
3. date child entered foster care, and
4. name of caseworker and agency.

For every child entering or leaving foster care, every child-placing agency or court shall make a confirmed placement report. Such report shall be submitted by the 30th of the month.

The confirmed placement report shall include:

1. name and address of foster child;
2. child's social security number, if available;
3. birthdate, sex, and race;
4. foster parents' name and address;
5. biological parents' name and address;
6. court of commitment;
7. court of jurisdiction;
8. reason for foster care placement;
9. estimated length of time to be in foster care;
10. previous placements, if any;
11. description of services which are to be provided;
12. agency or person responsible for implementation of services;
13. date of physical examination; and
14. plan for the child and/or his family.

2-004.02 Court Responsibilities.

The court which has placed a child in foster care shall submit the following to the registry by the 15th of the month:

1. child's name,
2. type of filing,
3. legal action in the courtroom
4. results of the legal action in the courtroom,
5. date of next court review,
6. the court order, if requested,
7. the report and recommendations of the guardian ad litem.

2-004.03 Central Record Keeping.

The State Board shall establish a central record keeping facility for all local board files, including case reviews.

2-004.04 Recommendations.

The State Board shall submit to the agency and court of jurisdiction the findings received from the local board. This must be sent within 30 days of each review. The Board shall provide copies of such reports and recommendations to each court having the authority to take legal action in a specific case. The Board shall also provide copies of such reports and recommendations to the guardian ad litem and county attorney when they deem it appropriate.

2-004.05 Reports.

The State Board shall report and make suggestions to the appropriate agency based on the evaluation of judicial and administrative data.

2-004.06 Annual Report.

The Board shall make an annual report on children in foster care to the Legislature, agencies, and courts including:

1. personal data on length of time in foster care,
2. number and types of placements as accumulated,
3. frequency and results of court reviews,
4. number of children supervised by the foster care programs in the State annually,
5. such other items as the State Board determines.

2-004.07 Local Review Boards.

The State Board shall establish local foster care review boards to the review of cases of children in foster care placements. The State Board shall select members to serve on local boards from a list of applications submitted to the State Board. Each local board shall consist of five members. Members of local boards shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. No person employed by the State Board, a court, or a child welfare agency shall be appointed to a local board. "After the initial appointment, the term of office shall be for three years. The term of each member shall expire on the second Monday in July of the appropriate year. Members shall continue to serve until a successor is appointed.

2-004.08 Procedures.

The State Board shall develop procedures for the local review boards.

2-004.09 Training.

The State Board shall establish an initial training program for local board members and periodic in-service training.

2-004.10 Case Assignments to Local boards for Review.

The State Board shall assign cases of children in foster care placement to a local board for their review. Chapter 3-100 Local Boards Organization and Procedures

3-001 Purpose Statement:

The purpose of the local review board is to conduct the case reviews of children in foster care on behalf of the State Foster Care Review Board and to assist the State Board in making recommendations on each case to the courts and agencies.

3-002 Meetings:

Local boards shall set their meetings according to the convenience of their members. Each board shall meet frequently enough to review all of the cases assigned to it by the State Board. These meetings will be closed because of the confidential information being discussed in them.

3-002.01 Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. The local boards are made up of at least five members, three members shall constitute a quorum.

3-002.02 Sessions.

All meetings of the local boards shall be conducted pursuant to 43-1301 through 43-1318, R.R.S. 1943.

3-002.03 Attendance.

Two consecutive, unexcused absences shall constitute reason for removal from the Board.

3-003 Officers:

The local board shall select a chairperson and such other officers as the local board may deem necessary. The term of the officers shall be one year and no officer shall serve for more than two consecutive terms in the same office.

Election of local board chairpersons shall be at the first meeting in July. A list of local board chairpersons shall be submitted to the Governor by August 1. The governor shall select one chairperson from each of the three congressional districts to serve on the State Board. The appointment of a member of a local board to the State Board shall not create a vacancy on the local board. State Board appointments of local board chairpersons shall be for a two-year term. Once appointed to the State Board, the local board chairperson does not necessarily need to be re-elected as local board chairperson for the second year of his or her State Board term.

3-004 Training:

Before serving on a local review board, a member must receive training as specified by the

State Foster Care Review Board.

3-005 Duties:

The duties of the local boards shall include the following.

3-005.01 Case Reviews-Children in Care Over Six Months.

The local review board shall review assigned cases of children in foster care placements who have resided in foster care for a period of more than six months. They shall determine what efforts have been made to carry out the plan developed by the agency or person in charge of the foster child and the appropriateness of the placement. Cases will be assigned to the local review board by the State Board.

The local review boards shall examine the plan as presented by the review specialist based on information he or she obtains from the agency files and/or from interested parties.

Such review should be made from the following information:

1. reason child entered care,
2. a description of the services that are to be provided in order to accomplish the purposes of the foster care placement, (and)
3. legal findings in the case,
4. court ordered services
5. agency and client responsiveness to services ordered,
6. a complete record of all placements of the foster child.

3-005.02 Findings and Recommendations.

The local board shall submit to the State Board for transmittal to the agency and court having jurisdiction over such child for the purposes of foster care placement, within 30 days after the review, its findings and recommendations regarding the efforts and progress made to carry out the plan.

These recommendations shall indicate whether a plan currently exists, whether the local board concurs with the existing plans established by the court and agency, what the local board views as the barriers to the plan, whether the current placement is appropriate, whether there is a need for continued out-of-home placement, and other additional observations they determine might be of benefit to the welfare of the foster children.

3-005.03 Case Reviews-Children in Care Less Than Six Months.

If a case is reviewed prior to the child's residing in foster care for six months, the local review board shall review the reasonable efforts made to prevent the child's entering foster care, the reasonable efforts made to reunify the child with the family, whether a service plan exists, the appropriateness of the placement, visitation between the parent and child, and visitation between siblings (if not placed together).

The local review board shall examine the reasonable efforts and the service plan as presented by the review specialist based on information he or she obtains from the agency files and/or from interested parties.

Such review should be made from the following information:

1. reason entered care and serviced provided to present foster care placement,
2. special needs of child and/or family,
3. description of services
4. agency and client responsiveness to services ordered,
5. permanency plan and source,
6. visitation, and
7. other relevant information

3-005.04 Findings and Recommendations.

The local board shall submit to the State Board for transmittal to the agency and court having jurisdiction over such child for the purposes of foster care placement, within 30 days after the review, its findings and recommendations regarding the efforts and progress made to carry out the plan.

These recommendations shall indicate whether reasonable efforts were made to prevent the child's entering foster care, whether reasonable efforts were made to reunify the child with the family, whether a service plan exists, whether the local board concurs with the service plan established by the court and agency, what the local board views as the barriers to the plan, whether the current placement is appropriate, whether there is need for continued out-of-home placement, and other additional observations they determine might be of benefit to the welfare of the foster children.

Chapter 4-000 Legal Standing

4-001 Legal Basis:

The State Foster Care Review Board was granted legal standing to request a review hearing of a dispositional order and participate in any such hearing through counsel pursuant to L.B. 1222, passed by the Ninety-first Legislature, Second Session, 1990.

Any legal action using agency resources shall be regulated by the policies established by the State Board.

4-002 Process:

1. If a local board reviews a case and discovers that:
 - a. reasonable efforts were not made to prevent a child from entering care, or
 - b. there is no permanency plan, or
 - c. the permanency plan is inappropriate, or
 - d. the placement is inappropriate, or
 - e. regular court hearings are not being held, or
 - f. appropriate services are not being offered, or
 - g. the best interest of the child is not being met, or
 - h. the child is in imminent danger; the local board may submit a request for intervention to the State Board.
2. Upon receipt of a request for intervention, the State Board office may pursue administrative

resolution of the problem(s) recognized by the local board. If administrative resolution fails or appears to be impractical, the matter may be submitted to the appropriate county attorney. If the county attorney fails to take corrective action, the matter may be submitted to the Attorney General.